



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Marilyn Librers, Mayor Pro Tempore	Marilyn Librers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, July 28, 2010

AGENDA

SPECIAL CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

6:00 P.M.

*A Special Meeting of the City Council and
Redevelopment Agency is called at 6:00 p.m. for the
Purpose of Conducting City Business.*

Steve Tate, Mayor/Chair

6:00 P.M.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk McVay)

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: Tichinin v. City of Morgan Hill
Case Number: Santa Clara Superior Court Case No. 1-05-CV-046112
Attendees: City Manager; City Attorney

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: Canen v. City of Morgan Hill
Case Number: Santa Clara Superior Court Case No. 1-09-CV-141270
Attendees: City Manager; City Attorney

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: Wollaston v. Morgan Hill
Case Number: Santa Clara Superior Court Case No. 1-08-CV-118938
Attendees: City Manager; City Attorney

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority: Pursuant to Government Code 54956.9(a)
Case Name: Tomasello v. Arlia v. Morgan Hill
Case Number: Santa Clara Superior Court Case No. 1-10-CV-163185
Attendees: City Manager; City Attorney

5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to: Government Code Section 54956.9(b)
Number of Cases: One (1)

Redevelopment Agency Action

CLOSED SESSION:

6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code 54956.8
Property: 726-23-015 17690 McLaughlin and 98 E. Central Avenues Morgan Hill
Negotiating Parties: UHC Morgan Hill LP a California limited Partnership
Agency: Executive Director, Agency Counsel, Director of Business Assistance and Housing Services
Property Owner: Morgan Hill Redevelopment Agency
Under Negotiation: Price and Terms of Payment

**JOINT REGULAR CITY COUNCIL
AND
REDEVELOPMENT AGENCY MEETING**

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER
(Mayor/Chair Tate)

ROLL CALL ATTENDANCE
(Deputy City Clerk McVay)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(Deputy City Clerk McVay)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

PRESENTATIONS
Beyond Measure A Workshop Results
Bert Berson, Beyond Measure A Committee

Map Your Neighborhood Program
Jennifer Ponce, OES Coordinator

CITY COUNCIL REPORTS
Council Member Carr

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-6

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **MAP YOUR NEIGHBORHOOD PROGRAM**1-4
Recommended Action(s): **Authorize** the City of Morgan Hill's Office of Emergency Services to launch the Map Your Neighborhood (MYN) Program.
2. **ALARM ORDINANCE ADMINISTRATION CONTRACT**5-28
Recommended Action(s):
1. **Approve** Resolution authorizing the City Manager to execute a contract with Public Safety Corporation for the administration of Morgan Hill Municipal Code 8.48.
3. **AWARD OF INSTALLATION OF BICYCLE LOCKERS PROJECT**29-32
Recommended Action(s):
1. **Approve** project plans and specifications; and
2. **Award** contract to Lawrence Backhoe Service of Atwater, California, for the construction of the Installation of Bicycle Lockers Project in the amount of \$39,025; and
3. **Authorize** expenditure of construction contingency funds not to exceed \$1,992.
4. **ADOPT ORDINANCE NO. 1990, NEW SERIES, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING CHAPTER 18.73 (WATER CONSERVING LANDSCAPES) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL ESTABLISHING NEW LANDSCAPING REGULATIONS PURSUANT TO THE CALIFORNIA WATER CONSERVATION IN LANDSCAPING ACT**33-56
Recommended Action(s): **Waive** the reading, and **Adopt** Ordinance No. 1990, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
5. **APPROVAL OF LANDSCAPE MAINTENANCE INTERIM AGREEMENT**57-72
Recommended Action(s):
1. **Approve** interim maintenance agreement for grounds and landscape maintenance service with Smith & Enright Landscaping, Inc., in the amount of \$33,015, from 8/1/10 through 10/30/10; and
2. **Authorize** the City Manager to execute the agreement on behalf of the City.
6. **ENVIRONMENTAL ASSESSMENT, EA-10-07: BUTTERFIELD SOUTH EXTENSION** .73-104
Recommended Action(s): **Approve** Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP).

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 7

Time Estimate

Consent Calendar: 1 - 10 Minutes

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7. POLICIES FOR ADDRESSING HOUSING LOAN DEFAULTS 105-122

Recommended Action(s):

1. **Adopt** Resolutions approving City/Agency policy and procedures for responding to Housing Rehab defaults and authorize the Executive Director/City Manager to do everything necessary and appropriate to implement the policy.

City Council Action

OTHER BUSINESS:

ITEMS 8-9

Time Estimate

Page

8. 10 Minutes PARKS AND RECREATION COMMISSION, PLANNING COMMISSION AND LIBRARY, CULTURE AND ARTS COMMISSION WORK PLANS 123-132

Recommended Action(s):

1. **Adopt** the Parks and Recreation Commission, Planning Commission and Library, Culture and Arts Commission work plans.

9. 10 Minutes ADOPT CITY COUNCIL'S ARGUMENT FOR THE BALLOT MEASURE TO CONVERT THE CITY CLERK & CITY TREASURER OFFICES TO APPOINTED POSITIONS ON THE NOVEMBER 2, 2010 GENERAL ELECTION 133-182

Recommended Action(s):

1. **Discuss and Adopt** the City Council's arguments for the proposed measure; and
2. **Consider** adopting a resolution authorizing filing of rebuttal arguments submitted at municipal elections.

Redevelopment Agency Action

OTHER BUSINESS:

ITEMS 10-11

Time Estimate

Page

10. 20 Minutes SELECTION OF CALLANDAR ASSOCIATES FOR THE MONTEREY ROAD STREETScape PROJECT 183-292

Recommended Action(s):

1. **Authorize** the Executive Director to execute an agreement with Callandar Associates to provide design services for the Monterey Road Streetscape project.

11. 10 Minutes **UPDATE ON THE MADRONE PLAZA AFFORDABLE TOWN HOME PROJECT**293-298
Recommended Action(s):
1. **Authorize** the Executive Director to appropriate \$500,000 from the fund balance of Fund 327 for the \$1.4 million in down payment assistance loans to South County Community Builders for the Madrone Plaza affordable townhouse project.

City Council and Redevelopment Agency Action

OTHER BUSINESS:

ITEM 12

Time Estimate

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12. 10 Minutes **HORIZON SENIOR HOUSING PROJECT**299-300
Recommended Action(s):
1. **Authorize** the Executive Director/City Manager to execute the subordination agreement for the Horizon Senior Project and accept the Completion Guaranty for the project. (Note: the documents will be available to the Agency Board prior to the meeting)

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly-address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Council Services Records Coordinator prior to discussion of the item. In accordance with Government Code 54953.3, it is not required to complete a speaker card in order to speak to the Council/Agency. When your name is called, proceed to the podium and clearly state your name and comment on the agenda item. If you wish to address the City Council on any other item of interest to the public, follow the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Council Services Records Coordinator, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's department at (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.